Simon v. Adzilla, Inc [New Media] et al Doc. 161 Att. 13

EXHIBIT V-3

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Scott R. Mosko (State Bar No. 106070)
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3300 Hillview Avenue
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Telephone: (650) 849-6600
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Attorneys for Defendants
Cameron Winklevoss, Tyler
Winklevoss, Howard Winklevoss,
and Divya Narendra

(ENDORSED)
FILED
APR 28 2006
KIRI TORRE
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY ____ DEPUTY
M. Huerta

COPY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

THE FACEBOOK, INC., Plaintiff, v. CONNECTU LLC, CAMERON WINKLEVOSS, TYLER WINKLEVOSS, HOWARD WINKLEVOSS, DIVYA NARENDRA, AND DOES 1-25, Defendants.	CASE NO. 105 CV 047381 **DECLARATION OF SCOTT R. MOSKO IN SUPPORT OF DEFENDANTS' ~~AMENDED~~ MOTION TO QUASH SERVICE OF COMPLAINT AND SUMMONS FOR LACK OF PERSONAL JURISDICTION** Date: June 1, 2006 Time: 9:00 a.m. Dept. 2 Judge: William J. Elfving

I Scott R. Mosko declare,

1. I am an attorney duly licensed to practice law in the state of California and am a member of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, attorneys of record for Cameron Winklevoss, Howard Winklevoss, Tyler Winklevoss, and Divya Narendra. If called to testify I would and could testify competently to the following matters.

2. Attached as Exhibit 1 hereto is a true and correct copy of Defendant Cameron Winklevoss's declaration, signed October 25, 2005.

3. Attached as Exhibit 2 hereto is a true and correct copy of Defendant Howard Winklevoss's declaration, signed October 25, 2005.

4. Attached as Exhibit 3 hereto is a true and correct copy of Defendant Tyler Winklevoss's declaration, signed October 25, 2005.

5. Attached as Exhibit 4 hereto is a true and correct copy of Defendant Divya Narendra's declaration, signed October 25, 2005.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on the 28th day of April 2006.

Scott R. Mosko/JPC

Scott R. Mosko

EXHIBIT 1

Scott R. Mosko (State Bar No. 106070)
FINNEGAN, HENDERSON, FARABOW,
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700 Hansen Way
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ENDORSED
2005 OCT 25 P 3:53
M. Huerta

Attorneys for Defendants
Cameron Winklevoss, Tyler
Winklevoss, Howard Winklevoss,
and Divya Narendra

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

THE FACEBOOK, INC.

Plaintiff,

v.

CONNECTU LLC, CAMERON WINKLEVOSS, TYLER WINKLEVOSS, HOWARD WINKLEVOSS, DIVYA NARENDRA, AND DOES 1-25,

Defendants.

CASE NO. 105 CV 047381

DEFENDANT CAMERON WINKLEVOSS'S DECLARATION IN SUPPORT OF MOTION TO QUASH SERVICE OF COMPLAINT AND SUMMONS FOR LACK OF PERSONAL JURISDICTION

Date: November 17, 2005
Time: 9:00 a.m.
Dept. 2
Judge: William J. Elfving

I, CAMERON WINKLEVOSS, declare

1. I am a resident and citizen of the state of Connecticut;

2. My domicile is Greenwich, Connecticut;

3. I received a copy of the summons and Complaint in this case in Connecticut;

4. I do not maintain a registered agent for service in California;

5. I do not own, lease, possess or maintain any real or personal property in California, and have not owned, leased, possessed or maintained any real or personal property in California;

6. I do not own, lease or maintain an office, residence or place of business in California, and I have not owned, leased or maintained an office, residence or place of business in California;

7. I have never had an authorized agent or representative in California;

8. I do not and have not paid taxes of any kind in the state of California;

9. I do not maintain any bank or savings and loan accounts in California and have not maintained any bank or savings and loan accounts in California;

10. I have never performed any service or sold any goods in California;

11. I have not and do not derive substantial revenue from goods used or consumed in California or services rendered in California;

12. I do not engage in a business and have not engaged in business in the state of California;

13. The last time I was in California was in or about 1999. The purpose of this visit was solely for pleasure;

14. I have never recruited employees in California;

15. I have never signed any contracts in California;

16. I do not presently nor have I ever maintained a telephone listing in California;

17. I have never entered into a contract or other relationship with Plaintiff;

18. Attached as Exhibit A is what I am informed and believe is a copy of some of the organizational documents of Defendant ConnectU. I am informed and believe ConnectU is a limited liability company organized under the laws of Delaware. I am a member and a manager of ConnectU LLC;

19. In my individual capacity, I have never taken any data from TheFaceBook's website, as alleged for example in Paragraph 19 of the Plaintiff's complaint in this case.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on the 25th day of October, 2005 at Greenwich, Connecticut.

Cameron Winklevoss

EXHIBIT A

REDACTED

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Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED ARE TRUE AND CORRECT COPIES OF ALL DOCUMENTS ON FILE OF "CONNECTU, LLC" AS RECEIVED AND FILED IN THIS OFFICE.

THE FOLLOWING DOCUMENTS HAVE BEEN CERTIFIED:

CERTIFICATE OF FORMATION, FILED THE SIXTH DAY OF APRIL, A.D. 2004, AT 4:10 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CERTIFICATES ARE THE ONLY CERTIFICATES ON RECORD OF THE AFORESAID LIMITED LIABILITY COMPANY.

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

3786819 8100H

050008335

AUTHENTICATION: 3598280

DATE: 01-05-05

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State of Delaware
Secretary of State
Division of Corporations
Delivered 05:15 PM 04/06/2004
FILED 04:10 PM 04/06/2004
SRV 040253305 - 3786819 FILE

CERTIFICATE OF FORMATION
OF
LIMITED LIABILITY COMPANY

FIRST. The name of the limited liability company is CONNECTU, LLC

SECOND. The address of its registered office in the State of Delaware is 2711 Centerville Road, Suite 400 in the City of Wilmington. The name of its Registered Agent at such address is THE COMPANY CORPORATION.

IN WITNESS WHEREOF, the undersigned have executed this Certificate of Formation of CONNECTU, LLC this 6th day of April 2004.

NAME: [signature]
Angela Norton
Authorized Person

EXHIBIT 2

Scott R. Mosko (State Bar No. 106070)
FINNEGAN, HENDERSON, FARABOW,
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Attorneys for Defendants
Cameron Winklevoss, Tyler
Winklevoss, Howard Winklevoss,
and Divya Narendra

ENDORSED

2005 OCT 25 P 3:52

M. Huerta

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

COPY

THE FACEBOOK, INC.

Plaintiff,

v.

CONNECTU LLC, CAMERON WINKLEVOSS, TYLER WINKLEVOSS, HOWARD WINKLEVOSS, DIVYA NARENDRA, AND DOES 1-25,

Defendants.

CASE NO. 105 CV 047381

DEFENDANT HOWARD WINKLEVOSS'S DECLARATION IN SUPPORT OF MOTION TO QUASH SERVICE OF COMPLAINT AND SUMMONS FOR LACK OF PERSONAL JURISDICTION

Date: November 17, 2005
Time: 9:00 a.m.
Dept. 2
Judge: William J. Elfving

I, HOWARD WINKLEVOSS, declare

1. I am a resident and citizen of the state of Connecticut;

2. My domicile is Greenwich, Connecticut;

3. I received a copy of the summons and Complaint in Connecticut;

4. I do not maintain a registered agent for service in California;

5. I do not own, lease, possess or maintain any real or personal property in California, and have not owned, leased, possessed or maintained any real or personal property in California for the past 20 years;

6. I do not own, lease or maintain an office, residence or place of business in California, and I have not owned, leased or maintained an office, residence or place of business in California for the past 20 years;

7. I have never had an authorized agent or representative in California;

8. I do not and have not paid taxes of any kind in the state of California for the past 20 years;

9. I do not maintain any bank or savings and loan accounts in California and have not maintained any bank or savings and loan accounts in California for the past 20 years;

10. I have not performed any services or sold any goods in California;

11. I have not and do not derive substantial revenue from goods used or consumed in California or services rendered in California;

12. I do not engage in a business and have not engaged in business in the state of California;

13. The last time I was in California was in 1999 for a personal vacation;

14. I have never recruited employees in California;

15. I have never signed any contracts in California;

16. I do not presently nor have I ever maintained a telephone listing in California during the past 20 years;

17. I have never entered into a contract or other relationship with Plaintiff;

18. I am informed and believe ConnectU is a limited liability corporation organized under the laws of Delaware. I am a member of ConnectU LLC;

19. I have never removed any data from TheFaceBook's website, as alleged for example in Paragraph 19 of the Plaintiff's complaint in this case.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on the ____ day of October, 2005 at Greenwich, Connecticut.

____
Howard Winklevoss

18. I am informed and believe ConnectU is a limited liability company organized under the laws of Delaware. I am a member of ConnectU LLC;

19. I have never taken any data from TheFaceBook's website, as alleged for example in Paragraph 19 of the Plaintiff's complaint in this case.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on the ___ day of October, 2005 at Greenwich, Connecticut.

Howard Winklevoss

EXHIBIT 3

Scott R. Mosko (State Bar No. 106070)
FINNEGAN, HENDERSON, FARABOW,
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Attorneys for Defendants
Cameron Winklevoss, Tyler
Winklevoss, Howard Winklevoss,
and Divya Narendra

ENDORSED
2005 OCT 25 P 3:53
M. Huerta

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

THE FACEBOOK, INC. Plaintiff, v. CONNECTU LLC, CAMERON WINKLEVOSS, TYLER WINKLEVOSS, HOWARD WINKLEVOSS, DIVYA NARENDRA, AND DOES 1-25, Defendants.	CASE NO. 105 CV 047381 **DEFENDANT TYLER WINKLEVOSS'S DECLARATION IN SUPPORT OF MOTION TO QUASH SERVICE OF COMPLAINT AND SUMMONS FOR LACK OF PERSONAL JURISDICTION** Date: November 17, 2005 Time: 9:00 a.m. Dept. 2 Judge: William J. Elfving

I, TYLER WINKLEVOSS, declare

1. I am a resident and citizen of the state of Connecticut;

2. My domicile is Greenwich, Connecticut;

3. I received a copy of the summons and Complaint in Connecticut;

4. I do not maintain a registered agent for service in California;

5. I do not own, lease, possess or maintain any real or personal property in California, and have not owned, leased, possessed or maintained any real or personal property in California;

6. I do not own, lease or maintain an office, residence or place of business in California, and I have not owned, leased or maintained an office, residence or place of business in California;

7. I have never had an authorized agent or representative in California;

8. I do not and have not paid taxes of any kind in the state of California;

9. I do not maintain any bank or savings and loan accounts in California and have not maintained any bank or savings and loan accounts in California;

10. I have never performed any service or sold any goods in California;

11. I have not and do not derive substantial revenue from goods used or consumed in California or services rendered in California;

12. I do not engage in a business and have not engaged in business in the state of California;

13. The last time I was in California was 1999;

14. I have never recruited employees in California;

15. I have never signed any contracts in California;

16. I do not presently nor have I ever maintained a telephone listing in California;

17. I have never entered into a contract or other relationship with Plaintiff;

18. I am informed and believe ConnectU is a limited liability company organized under the laws of Delaware. I am a member and a manager of ConnectU LLC;

19. In my individual capacity, I have never taken any data from TheFaceBook's website, as alleged for example in Paragraph 19 of the Plaintiff's complaint in this case.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on the 6th day of October, 2005 at Greenwich, Connecticut.

____
Tyler Winklevoss

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on the 6th day of October, 2005 at Greenwich, Connecticut.

Tyler Winklevoss

EXHIBIT 4

Scott R. Mosko (State Bar No. 106070)
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.
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Attorneys for Defendants
Cameron Winklevoss, Tyler Winklevoss, Howard Winklevoss, and Divya Narendra

ENDORSED
2005 OCT 25 P 3:53

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

THE FACEBOOK, INC. Plaintiff, v. CONNECTU LLC, CAMERON WINKLEVOSS, TYLER WINKLEVOSS, HOWARD WINKLEVOSS, DIVYA NARENDRA, AND DOES 1-25, Defendants.	CASE NO. 105 CV 047381 **DEFENDANT DIVYA NARENDRA'S DECLARATION IN SUPPORT OF MOTION TO QUASH SERVICE OF COMPLAINT AND SUMMONS FOR LACK OF PERSONAL JURISDICTION** Date: November 17, 2005 Time: 9:00 a.m. Dept. 2 Judge: William J. Elfving

I, DIVYA NARENDRA, declare

1. I am a resident and citizen of the state of New York;

2. My domicile is New York;

3. I received a copy of the summons and Complaint in New York;

4. I do not maintain a registered agent for service in California;

5. I do not own, lease, possess or maintain any real or personal property in California, and have not owned, leased, possessed or maintained any real or personal property in California;

6. I do not own, lease or maintain an office, residence or place of business in California, and I have not owned, leased or maintained an office, residence or place of business in California;

7. I have never had an authorized agent or representative in California;

8. I do not and have not paid taxes of any kind in the state of California;

9. I do not maintain any bank or savings and loan accounts in California and have not maintained any bank or savings and loan accounts in California;

10. I have never performed any service or sold any goods in California;

11. I have not and do not derive substantial revenue from goods used or consumed in California or services rendered in California;

12. I do not engage in a business and have not engaged in business in the state of California;

13. The last time I was in California was 2003, for a family wedding;

14. I have never recruited employees in California;

15. I have never signed any contracts in California;

16. I do not presently nor have I ever maintained a telephone listing in California;

17. I have never entered into a contract or other relationship with Plaintiff;

18. I am informed and believe ConnectU is a limited liability company organized under the laws of Delaware. I am a member of ConnectU LLC;

19. In my individual capacity, I have never taken any data from TheFaceBook's website, as alleged for example in Paragraph 19 of the Plaintiff's complaint in this case.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on the ____ day of October, 2005 at New York, New York.

____
Divya Narendra

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on the ____ day of October, 2005 at New York, New York.

Divya Narendra